one month [1][and where such gaming consists of wagering or betting or of any such transaction as is referred to in the definition of gaming given in section 3, any such person so found gaming shall, on conviction, be punished in the manner and to the extent referred to in section 4, and all moneys found with such person shall be forfeited.]

Seizure and destruction of instruments found.

And such Police-officer may seize all birds and animals and instruments of gaming found in such public street, [2][throughfare, [3](place or race-course)] or on the person of those whom he shall so arrest, and the Magistrate may, on conviction of the offender, order such instruments to be forthwith destroyed, and such birds and animals to be sold and the proceeds forfeited.

Saving of games of mere skill.

13. Nothing in this Act shall be held to apply to any game of mere skill wherever played.

SCHEDULE.

[ENACTMENTS REPEALED.]

Repealed by Act XVI of 1895.

THE MATADARS ACT, 1887.

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[1] These words were added by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. Act 5 of 1922), Vol. V of this Code.

[2] These words were substituted for the words " place or thoroughfare " by Schedule I, Part II, Serial No. [illegible] of the Bombay Repealing and Amending Act, 1910 (Bom. Act (1 of 1910), Vol. V of this Code.

[3] These words were substituted for the words " or place " by s. 4 of the Bombay Prevention of Gambling (Amendment) Act, 1922 (Bom. Act 5 of 1922), Vol. V of this Code.

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BOMBAY ACT No. VI OF 1887.[1]

[*30th January, 1888.*]

An Act to amend the Bombay Hereditary Offices Act so far as it relates to Matadars.

Bom. Act III of 1874.

WHEREAS some portions of the [2]Bombay Hereditary Offices Act are found to be unsuited to matadars, and it is, therefore, expedient to amend the said Act and to enact special provisions for the regulation of the service of matadars; It is enacted as follows:— Preamble.

1. This Act may be cited as the Matadars Act, 1887. Short title.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1884, Pt. V, p. 44; for Reports of the Select Committee, *see ibid*, 1885, p. 39, and *ibid*, 1887, p. 195, and for Proceedings in Council, *see ibid*, 1885, p. 27, *ibid*, 1886, p. 94, and *ibid*, 1887, pp. 205 and 219.

[2] *Supra.*

Extent. It extends to the districts of Ahmedabad, Kaira, Broach and Surat; but the Governor in Council may, from time to time, by [1]notification in the Bombay Government Gazette, extend its provisions to any village in the Panch Mahals District.

Commencement. It shall come into force at once: Provided that every appointment to any patel's office to which this Act applies, made under the provisions of the [2]Bombay Hereditary Offices Act, or of [3]Act No. XI of 1843 (*an Act for regulating the service of hereditary officers under the Presidency of Bombay*) and still in force, shall hold good— Bom. Act III of 1874.

(*a*) until the time when, if this Act had not been passed, such appointment would become vacant, or until the expiry of two years from the coming of this Act into force, whichever first occurs, or,

(*b*) in the case of an appointment which has been made to have effect pending further orders, until such time as the Collector directs;

and a fresh appointment under this Act in lieu of any such appointment as aforesaid shall only be made to have effect from the time when the latter appointment ceases to hold good.

Definitions. **2.** In this Act, unless there be something repugnant in the subject or context,—

(1) "matadar family" means of family to which the office of village patel, or some share in the discharge of the duties or in the exercise of the powers ordinarily appertaining to that office, belongs hereditarily:

(2) "mata" means the aggregate of the rights, privileges and responsibilities vesting in a matadar family as such:

(3) "member of a matadar family" does not include a female, or a person claiming through a female, whilst such female or person is, under section 2 of [4]Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), postponed in the order of succession to the mata, or part thereof or interest therein, to a male member of the family;

(4) "matadar" means a member of a matadar family whose name is entered in the register kept under section 5, and includes a representative matadar;

(5) "representative matadar" means a member of a matadar family whose name is entered as a representative matadar in the said register;

(6) "senior heir" means the heir who first acquired the right of inheritance, whether by birth, marriage or otherwise;

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[1] For such extension, *see* Bombay Government Gazette, 1913, Pt. I, p. 922.
[2] *Supra.*
[3] Act 11 of 1843 is repealed by Bom. Act 3 of 1874.
[4] That is Bombay Act 5 of 1886, *supra.*

Bom. Act V of 1879.

(7) any word or expression which is defined in the [1]Bombay Land-revenue Code, 1879, and is not hereinbefore defined, shall have the meaning given to it by that Code. Expressions defined in the Bombay Land-revenue Code.

[2][(8) in determining who is the heir to a matadar for the purposes of this Act, the rule of lineal primogeniture shall be presumed to prevail in the matadar family.]

Bom. Act III of 1874.

3. In applying the [3]Bombay Hereditary Offices Act as amended by [4]Bombay Act No. V of 1886 (*an Act to amend Bombay Act III of 1874*), and section 2 of the last-mentioned Act, to matadars, the term "watan" shall be deemed to mean all and each of the matas of a village, and a member of a matadar family shall be deemed to be a watandar, and the said Act, as so amended, shall be read subject to the following modifications, namely:— Modifications of Bombay Act III of 1874.

(1) sections 24 to 31, both inclusive, 36 to 59, both inclusive, 61, 62, 67, 69, 71, and clause (*2*) of section 73, and so much of section 73 as relates to orders passed under Part VI or Part VII or section 58 of the said Act, and in section 4 the definitions of "watandar" and "representative watandar," shall be deemed to be repealed;

(2) in sections 33 and 34, the words "the coming into force of this Act" shall be taken to mean the coming into force of this present Act, and the word "matadar" shall be substituted for the words "registered representative watandar" and "watandar" wherever they respectively occur;

(3) for the first four words of section 60, the words "when any person elected to officiate or a representative matadar" shall be deemed to be substituted.

4. Subject to the provisions of the last preceding section, this Act shall be read as one with the [3]Bombay Hereditary Offices Act. Construction.

Bom. Act III of 1874.

Of the Register.

5. In the register of lands and allowances in consideration of which liability to perform service still exists, kept under section 65 of the [3]Bombay Hereditary Offices Act the Collector shall specify for every village in which there are matadars:— Matadars' service register what to contain.

Bom. Act III of 1874.

(*a*) the number of distinct matadar families in the village separately recognized in the Collector's records;

(*b*) the name of the representative matadar of each matadar family to which a right to hold the office of patel appertains;

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[1] *Supra.*

[2] This clause was added by s. 3 (*1*) of the Bombay Hereditary Offices Act, 1910 (Bom. Act 3 of 1910), Vol. V. of this Code.

[3] *Supra.*

[4] *Supra.*

(*c*) the name of every other person directed by the Collector to be entered in the register under section 7 or 9;

(*d*) where there are more representative matadars than one, the order of rotation in which, failing the appointment of an officiator by election, the right to the patel's office is to vest in the said representative matadars;

(*e*) the number of persons required to officiate as patels contemporaneously;

(*f*) a description of the service lands held by each matadar family, showing the area, survey numbers and the assessment thereof, together with the quit-rent, if any, payable, and the net amount of revenue alienated by Government;

(*g*) the amount and nature of the cash or other allowances, if any, held by each matadar family;

(*h*) the watan property or profits assigned under section 23 of the [1]Bombay Hereditary Offices Act for the emoluments of officiators; Bom. Act III of 1874.

(*i*) such other particulars as Government from time to time direct.

The said register shall be amended from time to time whenever any change is made in any of the particulars therein specified in accordance with the provisions of this Act or of the [1]Bombay Hereditary Offices Act. Bom. Act III of 1874.

Right to patel's office to appertain ordinarily to every matadar family; but exclusive right may be declared by Government to appertain to one matadar family.

6. In every village in which there are two or more distinct matadar families separately recognized in the Collector's records, a right to hold the office of patel shall ordinarily be deemed to appertain to each of the said families:

Provided that it shall be competent to the Governor in Council to declare, if, upon consideration of the past history of the tenure of the office in any village, and of the circumstances, so far as known, under which the village was founded, it shall appear to him equitable so to do, that the right to the patel's office in such village appertains [2][to one or more than one of such families to the exclusion of the remainder of such families, and shall vest in such order as he may thereby determine, and every such declaration shall be conclusive evidence of the rights thereby affirmed].

Determination of matadars.

7. In the register prepared under section 5 the Collector shall enter the name of every member of a matadar family contained in any list of matadars made under the orders of Government subsequent to the year 1866:

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[1] *Supra.*

[2] These words were substituted for the words "exclusively to one matadar family, and every such declaration shall be conclusive evidence of the exclusive right thereby affirmed" by s. 1 of the Matadars Act Amendment Act, 1890 (Bom. Act 3 of 1890), Vol. III of this Code.

Provided that—

(*a*) if, for any village, no such list exists, or if, in respect of any matadar family, no person's name has been entered in any such list, or if at the time when this Act comes into force, there is any dispute pending as to the completeness or correctness of any such entry, the Collector shall hold a summary inquiry, and shall enter in the register the name of each member of a matadar family who shall appear to him to have been recognized in the records previous to the year 1867 as a matadar of the family for which such list or entry is wanting, or to which such dispute relates;

(*b*) if any person whose name should be entered in the register in accordance with any of the foregoing provisions is dead, the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section 2 of [1]Bombay Act No. V of 1886 (*an Act to amend* [2]*Bombay Act III of 1874*), be entered in the register instead of his.

Determination of representative matadars.

8. (*1*) The name of one matadar shall be entered in the said register as the representative matadar of each matadar family to which a right to hold the office of patel appertains.

(*2*) For every such matadar family of which there is only one matadar, the said matadar shall be the representative matadar.

(*3*) If there are two or more matadars of any such matadar family, the Collector shall, as soon as may be after the passing of this Act, enter in the said register as representative matadar of the matadar family such one of the said matadars as shall appear to him to be the head of the matadar family.

Name of heir to be registered when a matadar dies.

9. On the death of a representative or other matadar, the fact shall be reported by the village-officers to the Collector, and the name of the heir next in succession, or, if there are two or more heirs of equal degree, the name of the senior heir, shall, subject to the provisions of section 2 of [1]Bombay Act No. V of 1886 (*an Act to amend* [2]*Bombay Act III of 1874*), [3][and to any declaration under the proviso to section 6 of this Act] be registered in his stead:

[4][Provided that, in any case where the deceased matadar was not a sole representative matadar, if the heir next in succession is not a member of the branch of the matadar family to which the deceased matadar belonged but is another matadar of the same village, or is a

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[1] *Supra.*
[2] The Bombay Hereditary Offices Act, 1874, *supra.*
[3] These words were inserted by s. 3 (*2*) (*a*) of the Bombay Hereditary Offices Act, 1910 (Bom. Act 3 of 1910), Vol. V of this Code.
[4] This proviso was added by s. 3 (*2*) (*b*), *ibid.*

member of the branch of another matadar of the same village, the share entered in the register against the name of the deceased matadar shall—

(*a*) if there is only one remaining representative matadar of the same village who is descended from the same original matadar as the deceased, pass to that remaining representative matadar,

(*b*) if there are more than one such remaining representative matadars, be divided among such remaining representative matadars in proportion to their shares,

and the register shall be corrected accordingly.]

Amendment of the register.

10. If at any time any person shall, by production of a certificate of heirship, or of a decree or order of a competent Court, satisfy the Collector that he is entitled to have his name registered under section 7 (*b*) or section 9 in preference to the person whose name the Collector has ordered to be registered, the Collector shall cause the entry in the register to be amended accordingly.

Of Service.

Duties and privileges of matadars, as such.

11. Every matadar shall be bound, when so required by the Collector, to perform the duties customarily discharged by matadars, and shall have the privilege of signing the abstract of village-lands and revenues, and such other village-records as it may be customary for matadars to sign.

Area to which matadars' functions extend may in certain cases be reduced.

12. If within the limits of any village in which there are matadars a new village or hamlet has been, or shall hereafter at any time be, formed, it shall be competent to the Collector, with the previous sanction of Government, to exclude the limits of such new village or hamlet from the area to which the functions of the said matadars extend.

Number of officiators requisite for patel's office to be fixed by the Collector.

13. The Collector may fix at his discretion, from time to time, the number of officiators requisite for the due discharge of the duties of every patel's office.

Right to office to vest in representative of families whose rights declared.

[1][**14.** In every village in which the Governor in Council makes a declaration under section 6, the right to the office of patel shall vest to the exclusion of all other matadars in the representative of each of the families whose rights are thereby declared, in such order as may therein be determined.]

In every other case right of office to be enjoyed by matadar families in rotation.

15. In every other village the right to the patel's office shall vest in each of the matadar families entitled thereto in rotation.

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[1] Section 14 was substituted by s. 2 of the Matadars (Amendment) Act, 1890 (Bom. Act 3 of 1890), Vol. III of this Code.

16. For the purpose of determining the order in which the said right shall vest in the said families, the Collector shall, as soon as may be after this Act comes into force, by written notice, require the matadars of the village to assemble in his presence. Determination of order of rotation.

If a majority of the matadars present in accordance with the said notice do not agree to some order of rotation, the order shall be forthwith determined by the Collector by lot, in the presence of the assembled matadars, in such manner as he shall think fit: On failure of majority of matadars to agree, Collector to determine order by lot.

Provided that if, in the course of any proceeding held under the [1]Bombay Hereditary Offices Act, an order of rotation for service of the representative watandars of the same families has been already settled by lot or by agreement of the parties, the order so settled shall hold good for the purpose of the last preceding section. Proviso.

Bom. Act III of 1874.

17. On or in anticipation of the occurrence of a vacancy in the office of patel in any village to which section 15 applies, the matadars of the village [2][who are not deprived of the right of voting under sub-section (*2*) of section 30] may elect some member of the matadar family whose turn it is to enjoy the right of office to fill the vacancy. When officiator may be elected by matadars.

If a majority of the said matadars fail, within such reasonable period as shall be prescribed by the Collector in this behalf, to nominate some member of the matadar family aforesaid for the vacancy, or if the person nominated is disqualified for office, the right of office shall vest in the representative matadar of the said family. Failing election of officiator by matadars, right of office to vest in representative matadar.

18. Elections under the last preceding section shall be held in accordance with such rules[3] as the Governor in Council, by notification in the Bombay Government Gazette, from time to time, prescribes in this behalf. Rules for elections to be prescribed by Government.

19. Every representative matadar in whom the right of office vests under section 14 or 17 shall ordinarily be required by the Collector, if he is not disqualified for office, to officiate in person; but the Collector may, if he thinks fit, dispense with his personal service. Representative matadar must ordinarily officiate in person.

If, in any village to which section 15 applies, the representative matadar of the family whose turn it is to enjoy the right of office declines, when so required by the Collector, to officiate in person, the turn to enjoy the said right shall pass to the matadar family next in the settled order of rotation. On refusal by one representative matadar to officiate in person, turn to enjoy right of office to pass.

A representative matadar who declines, whilst officiating, to forsake some other employment which, in the opinion of the Collector, is incom- Other employment when prohibited

[1] *Supra.*

[2] These words and figures were inserted by s. 2 of the Matadars (Amendment) Act, 1922 (Bom. Act 8 of 1922), Vol. V of this Code.

[3] *See* Bombay Local Rules and Orders.

to representative matadars. Failure to reside in village.

patible with the due discharge of the duties of the patel's office, or fails when so required by the Collector to reside in the village for which he is appointed, shall be deemed to decline to officiate in person.

When deputy may be appointed by representative matadar.

20. A deputy may be appointed at any time—

(*a*) by a representative matadar who is, or who whilst officiating in person becomes, disqualified for office; and

(*b*) with the Collector's permission, by a representative matadar who does not wish to officiate or to continue to officiate in person, although not disqualified for office; and

(*c*) by a sole representative matadar, who proposes to officiate or is already officiating in person, when one or more other officiators are necessary:

[1][Provided that no representative matadar who is disqualified under clauses (*f*), (*g*) or (*h*) of sub-section (*1*) of section 30 shall be entitled to appoint a deputy.]

Removal of deputy

A deputy appointed by a representative matadar may at any time be removed from office by the Collector at the request of the representative matadar, if, in the opinion of the Collector, there are good reasons for such request.

Procedure when appointment of deputy has to be made by a representative matadar.

21. When an appointment of a deputy has to be made by a representative matadar, the Collector shall, by written notice, require him to nominate a fit person to be his deputy within twenty days from the date of service of the said notice.

Should the representative matadar fail, within the said period, to nominate any person, or if the person he nominates is not a member of a matadar family of the same village, or is disqualified for office, the Collector may, in his discretion, extend the period of nomination for a further term of ten days.

If within the prescribed period of twenty days, or, when the Collector extends the period, within the extended term, no person is nominated by the representative matadar, or the person nominated by him is not a member of a matadar family of the same village, or is disqualified for office, the turn to enjoy the right of office shall, [2][pass to the representative matadar or matadar family next in the settled order of rotation according as section 14 or section 15 applies to the village].

Appointment of deputy when to be made by Collector.

22. If a sole representative matadar declines, when so required by the Collector, to officiate in person, or fails to appoint a fit person to be his deputy in accordance with the provisions of the last preceding section, the Collector shall appoint a deputy.

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[1] This proviso was inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. Act 3 of 1910), Vol. V of this Code.

[2] These words and figures were substituted for the words and figures "in a village to which section 15 applies, pass to the matadar family next in the settled order of rotation" by *ibid.*

A deputy so appointed by the Collector shall ordinarily be a member of the matadar family of the village for which he is appointed, but, [1][if there is no member of such family fit and willing to officiate, any other person may be appointed].

Such deputy ordinarily to be member of matadar family; but with sanction of Government may be any other persor

[2][**22A.** When a representative matadar whose turn it is to enjoy the right of office is disqualified for office under clauses (*f*), (*g*) or (*h*) of sub-section (*1*) of section 30, he shall be deemed to have failed to appoint a deputy, and the turn of office shall pass in accordance with section 21, or a deputy shall be appointed by the Collector in accordance with section 22, as the case may be.]

Procedure where a disqualified representative matadar is not entitled to appoint a deputy.

23. If a matadar is under eighteen years of age, or if disabled by lunacy or imbecility of mind, the guardian or other legal curator of his person may act in his behalf in any of the matters provided for in sections 16, 17, 20 and 21.

Guardian may act on behalf of matadar legally incompetent.

24. The term of office of a sole representative matadar shall be for life, if the representative matadar shall not in the meantime become disqualified for office.

The term of office of a person elected under section 17 shall be for five years, or for such longer period as a majority of the matadars shall, at the time of election, desire, if the person elected shall not in the meantime die or become disqualified for office.

The desire of the matadars as to the duration of the term of office of any person elected by them under section 17 shall be ascertained in accordance with the rules prescribed under section 18 for determining nominations.

Term of office of sole representative matadar, and of an elected officiator.

25. The term of office of a representative matadar in whom the right of office vests on failure of an election under section 17 shall be—

(*a*) five years, when the number of representative matadars exceeds nine;

(*b*) seven years, when the number of representative matadars exceeds four but does not exceed nine;

(*c*) ten years, when the number of representative matadars does not exceed four.

Term of office of representative matadar entitled to office on failure of election.

26. A deputy appointed by a representative matadar, or by the Collector in his stead, shall be appointed for the term, or for the residue of the term, of office of the representative matadar by or for whom he is so appointed; and, if a deputy dies or resigns or becomes disqualified for office during the said term, another deputy may be appointed for the

Deputies to be appointed for period of their principal's term of office.

[1] These words were substituted for the words "with the previous sanction of Government, may be any other person" by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. Act 3 of 1910), Vol. V of this Code.

[2] Section 22A was inserted by *ibid.*

residue of the said term in accordance with the provisions of sections 21 and 22:

Provided that—

(*a*) if a representative matadar who has appointed a deputy because he himself was disqualified for office, or because he did not wish to officiate in person, subsequently at any time during his term of office wishes to officiate in person, he may, if he is not then disqualified for office, be permitted so to do by the Collector;

(*b*) if a representative matadar dies during his term of office, the deputy, if any, officiating in his stead shall cease to officiate, and the successor of the representative matadar shall, subject to the provisions of section 19, officiate in person for the residue of the said term, or a deputy shall be appointed by him or by the Collector in his stead for the said period, according to the provisions of sections 20, 21 and 22.

No change of officiator to be permitted during last year of representative matadar's term of office.

27. Notwithstanding anything hereinbefore contained to the contrary, no representative matadar in any village to which section 15 applies shall be permitted to commence to officiate in person, and no new deputy shall be appointed by or for a representative matadar in any such village during the last year of the term of office of such representative matadar.

If occasion arises for any such change, office to be deemed vacant.

If occasion arises during any such year for any change of an officiator in any such village, there shall be deemed to be a vacancy in the office.

Appointment of temporary officiators by Mamlatdar or Mahalkari.

28. During any interval between the occurrence of a vacancy in a patel's office and its being filled up in accordance with the foregoing provisions, and during the time that any officiator is suspended, the [1][Mamlatdar or Mahalkari, as the case may be] may appoint such person as he thinks fit, whether a member of a matadar family of the village or not, to officiate temporarily.

Officiators to retain substitutes during their absence or illness.

29. If an officiator is temporarily absent from his village, or is temporarily prevented by illness from discharging the duties of his office, he may depute some other fit person, whether a member of a matadar family of the village or not, to perform the said duties, but shall be responsible for the acts and omissions of the person so deputed as if they were his own acts and omissions.

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[1] These words were substituted for the word "Collector" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

Of the Disqualifications for the Patel's Office.

What persons to be deemed disqualified for office.

[1][**30.** (*1*)] The following persons shall be deemed to be disqualified for the patel's office, namely:—

(*a*) females;

(*b*) persons under eighteen years of age;

(*c*) any person who has not passed such educational test, if any, as Government think fit, from time to time, to prescribe in this behalf;

(*d*) any person who has attained sixty years of age, except when such person's appointment or further continuance in office is specially permitted by the Collector;

(*e*) any person who, in the opinion of the Collector, is disabled by lunacy or imbecility of mind, or by deafness, blindness or other permanent infirmity of body;

[2][(*ee*) any person who is considered by the Collector to be unfit for office on the ground that he is a wilful defaulter in respect of land-revenue or any sum expressly declared by any law for the time being in force recoverable as an arrear of land-revenue];

(*f*) any person who, at the time when he would otherwise be entitled to officiate, is adjudged by the Collector, after a summary inquiry, to be of general bad character;

(*g*) any person who has been sentenced by a Criminal Court to imprisonment or whipping for an offence punishable with imprisonment for a term exceeding six months, or to transportation, such sentence not having subsequently been reversed or quashed, and whose disqualification on account of such sentence has not been removed by an order which the [3][Commissioner] is hereby empowered to make, if he shall think fit, in this behalf;

(*h*) any person removed from office [4][or declared to be ineligible for re-employment] under section 31, except when such person's re-employment is expressly sanctioned by [5][the Commissioner].

Any officiator who during his term of office becomes disqualified for any of the above reasons shall cease to officiate.

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[1] Section 30 was renumbered "30 (*1*)" by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. Act 3 of 1910), Vol. V of this Code.

[2] Clause (*ee*) was inserted by *ibid.*

[3] This word was substituted for the words "Governor in Council" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[4] These words were inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. Act 3 of 1910), Vol. V of this Code.

[5] These words were substituted for the word "Government" by s. 2 and Sch. I of the Bombay Decentralization Act, 1915 (Bom. Act 3 of 1915), Vol. V of this Code.

[1][(2) Any matadar who—

(*a*) is adjudged by the Collector after a summary inquiry to be of general bad character, or

(*b*) is disqualified under clause (*g*) of sub-section (*1*),

shall be deprived for the rest of his life of any right which he would otherwise have of voting at an election of an officiator, or of appointing a deputy to officiate].

Of Penalties.

Punishment of matadars and officiators by fine, and

31. Any matadar who shall neglect or refuse to comply with any order made by the Collector under section 11, and any matadar or officiator who shall be careless or negligent in the discharge of his duties, may be punished by the Collector, for each such offence, by fine which may extend to one-fourth part of the annual emoluments of such matadar or officiator.

of officiators by suspension or removal from office.

If an officiator shall be accused of any misconduct which shall seem to the Collector to require a severer punishment than that aforesaid, the Collector may suspend him from office during investigation into such accusation, and, after holding a summary inquiry, may, if he consider the officiator guilty of misconduct meriting such punishment, suspend him from office for a further period not exceeding six months, or, if fraud or wilful framing of incorrect records or other grave misconduct or offence is proved against him, may, with the previous sanction of Government, remove him from office, [2][or, if he has ceased to officiate, may declare that he is ineligible for re-employment without the sanction of Government].

Disabilities of representative matadar removed from office.

When a representative matadar has been so removed from office, he shall, if Government so direct, be deprived for the rest of his life of any right which he would otherwise have of voting at an election of an officiator, [3]* * * *.

Forfeiture of life interest of representative matadar in case of removal from office.

If any representative matadar or deputy is removed from office under this section, the Governor in Council may direct the forfeiture of the life interest in the mata of the representative matadar so removed from office, or of the representative matadar by whom the deputy so removed from office was appointed, as the case may be.

Liability of officiator to criminal

32. Nothing in the last preceding section shall affect the liability of an officiator to a criminal prosecution for any offence which he may be

[1] Sub-section (*2*) was inserted by s. 3 of the Bombay Hereditary Offices Act, 1910 (Bom. Act 3 of 1910), Vol. V of this Code.

[2] These words were added by *ibid.*

[3] The words "or of appointing a deputy to officiate; and, if any representative matadar so deprived is a sole representative matadar, a deputy shall be appointed by the Collector, subject to the provisions of paragraph 2 of section 22 to officiate in his stead during his life-time" were repealed by *ibid.*

accused of having committed; and the Collector may suspend any officiator subjected to any such prosecution pending the inquiry and trial, and at its close may take the proceedings and the finding of the Criminal Court into his consideration for the purpose of dealing with the case under the last preceding section. prosecution and suspension pending inquiry and trial.

BOMBAY ACT No. VII OF 1887.[1]

[*28th April, 1888.*]

An Act to declare and amend the Law relating to Toda Giras Allowances.

WHEREAS it is expedient to declare and amend the law relating to toda giras allowances; It is enacted as follows:—

1. This Act may be called the Toda Giras Allowances Act, 1887. Short title.

2. In this Act, "toda giras allowance" means a cash payment made periodically to any person on the part of Government, or by or on the part of a holder of alienated land, under the name of *giras*, *wol*, *tora giras* or *toda giras*. "Toda giras allowance" defined.

3. Every toda giras allowance is continuable hereditarily to the lineal male heirs in male descent of the first recipient thereof under British rule: Toda giras allowances to be held hereditarily in male descent.

Provided that, on failure of such heirs, the allowance, or some portion thereof, shall, whenever the Governor in Council has already so directed, or shall hereafter so direct, be continuable hereditarily to the lineal male heirs in male descent of a brother of the first recipient of such allowance under British rule.

4. No mortgage, charge or alienation of a toda giras allowance, or of any part thereof, or of any interest therein, by any recipient of the same, shall be valid as to any time beyond such recipient's natural life. Mortgage, etc., of toda giras allowance.

5. No toda giras allowance shall be liable to attachment or sale in execution of a decree: Exemption of toda giras allowances from attachment and sale in execution of decrees.

Provided that any money due or likely to become due to a judgment-debtor on account of a toda giras allowance may be attached in execution of the decree against him, but such attachment shall not affect any money which becomes due on account of such allowance after such judgment-debtor's death.

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[1] For Statement of Objects and Reasons, *see* Bombay Government Gazette, 1886, Pt. V, p. 99, and for Proceedings in Council, *see ibid*, 1887, pp. 16, 212 and 220.